ORIGINAL

97TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 97-636
Part 2

COMPLETE

TO ESTABLISH THE MOUNT ST. HELENS NATIONAL VOLCANIC AREA

JULY 15, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 6530 which on June 3, 1982 was referred jointly to the Committees on Agriculture and Interior and Insular Affairs]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 6530) to establish the Mount Saint Helens National Volcanic Area, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

FINDINGS

SECTION 1. The Congress finds that:

(1) Mount St. Helens is a resource of international significant, with inestimable scientific value, and vast potential educational and recreational benefits;

(2) the resource includes, but is not limited to, the geologic features of the lateral blast and avalanche of the 1980 eruption; recent and prehistoric lava, mud, and pyroclastic flows; tephra deposits, lava caves, batholiths, intruvise plugs and other igneous features; lakes and river courses; ecologic features such as old growth forests, meadow, riparian and alpine communities; ecologic responses to geologic processes; and cultural resources from prehistoric, historic, and recent time; and

(3) for the benefit and enjoyment of present and future generations of the American people a comprehensive area surrounding Mount St. Helens, which contains both unique ecologic and geologic features, communities and landforms, and those which, by contrast, are characteristic of the region, should be preserved.

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ESTABLISHMEND OF NATIONAL VOLCANIC AREA

SEC. 2. (a) In furtherance of the purposes of this Act, certain lands within and adjacent to the Gifford Pinchot National Forest in the State of Washington, which comprise approximately one hundred and fifteen thousand acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Area, June 1, 1982", are hereby designated as the Mount St. Helens National Volcanic Area (hereafter in this Act referred to as the "volcanic area").

(b)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file a map and a legal description of the volcanic area established under subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act. Such map and description shall be on file and available for public inspection in the office of the Forest Supervisor, Gifford Pinchot National Forest and in the office of the Chief of the Forest Service, Department of Agriculture.

(2) The Secretary may correct clerical and typographical errors in the legal description referred to in paragraph (1), and the Secretary may, from time to time, make minor revisions of the boundary of the volcanic area, but no boundary revision may exceed 320 acres for any single contiguous area. Such a minor boundary revision may be made by the Secretary only after publication of notice of the proposed revision in the Federal Register and after submission of notice thereof to the committees referred to in paragraph (1). Such notice shall be published and submitted at least 60 days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 3. (a) The exterior boundary of the Gifford Pinchot National Forest is hereby extended to include all lands and waters within the boundaries of the volcanic area. Lands and interests therein acquired pursuant to section 4 shall become national forest system lands.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–4 through 4601–11), the boundary of the Gifford Pinchot National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965.

ACQUISITION

SEC. 4. The Secretary shall acquire all lands and interests in lands within the boundaries of the volcanic area by donation, exchange, or purchase with donated or appropriated funds except as provided in subsection (c). Any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange. Those mining claims in the Green River-Polar Star area shall not be acquired without the consent of the owner.

(b) In recognition of the rapidly deteriorating nature of much of the timber in the volcanic area, any timber acquired pursuant to this section shall be valued for purposes of any acquisition under subsection (a) at an amount not less than the fair market value of such timber on July 1, 1982.

(c)(1) Notwithstanding any other provision of law, the Secretary shall exchange lands and interests in lands in accordance with the provisions of his subsection. With respect to the lands and interests in lands referred to in paragraphs (2) and (3), the Secretary may exercise the authorities of subsection (a) only to the extent necessary to acquire any lands or interests in lands which are not acquired pursuant to the provisions of this subsection.

(2)(A) If Burlington Northern Incorporated offers to the United States the following described lands and interests therein, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein (for the purposes of this Act, the term "Burlington Northern Incorporated" shall include any subsidiary of that corporation):

	Acres
T.7N., R.6E.: Sec. 1, Lots 1, 2, and 3, S ½ NE ¼, and N ½ SE ¼	310.11
T.8N., R.5E.:	
Sec. 21, All	640.00
Sec. 23, All	640.00
Sec. 25, All	640.00

	Acres
Sec. 27, All	640.00
Sec. 29, All	640.00
Sec. 31, All fractional	623.52
Sec. 33, All	640.00
Sec. 35, All	640.00
T.8N., R.6E.:	
Sec. 5, All fractional	480.44
Sec. 7, All fractional	637.58
Sec. 9, All	640.00
Sec. 15, W ½	320.00
Sec. 17, All	640.00
Sec 19, All fractional	631.76
Sec. 21, All	640.00
Sec. 27, W ½	320.00
Sec. 29, All	640.00
Sec. 31, All fractional	630.44
Sec. 33, All	640.00
T.9N., R.5E.: Sec. 25, All	640.00
T.9N., R.6E.:	
Sec. 5, Lot 1, SE ¼ NE ¼, and SE ¼	240.41
Sec. 9, All	640.00
Sec. 17, All	640.00
Sec. 21, All	640.00
Sec. 29, All	640.00
Sec. 31, All fractional	639.52
Sec. 33, All	640.00

(3) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Burlington Northern Incorporated all right, title, and interest of the United States to the following described National Forest System lands and interests therein, except mineral and geothermal interests:

	Acres
T.7N., R5E.:	
Sec. 4, All fractional	680.88
Sec. 6, All fractional	670.04
Sec. 10, All	640.00
Sec. 22, All	640.00

(3)(A) If the Weyerhaeuser Company offers to the United States the following described lands and interests in lands, the Secretary shall accept such lands and interests:

(i) Lands and interests therein—

	Acres
T.9N., R.3E.: Sec. 1, S ½	320.00
T.7N., R.4E. Sec. 25, NW ¼ NW ¼	40.00
T.8N., R.4E.: Sec. 2, All fractional (does not include minerals)	494.28
T.9N., R.4E.:	
Sec. 1, All fractional	658.52
Sec. 3, S ½ NE ¼, and S ½ (does not include minerals on 80 acres)	400.00
Sec. 4, Lots 2 & 3, S ½ N ½, and S ½	560.30
Sec. 5, S ½ NE ¼, and S ½ (does not include minerals)	400.00
Sec. 6, Lot 7, SE ¼, SW ¼, and S ½ SE ¼	155.38
Sec. 7, All fractional (does not include minerals)	623.44
Sec. 8, All	640.00
Sec. 9, All (does not include minerals on 320 acres)	640.00
Sec. 11, All	640.00
Sec. 13, All	640.00
Sec. 15, E ½ E ½	160.00
Sec. 16, N ½ NW ¼	80.00
Sec. 17, N ½ NE ¼	80.00
Sec. 22, A portion of E ½ and E ½ W ½	271.±
Sec. 23, All	640.00
Sec. 24, All	640.00
Sec. 25, All	640.00
Sec. 26, N ½, SE ¼, and a portion of the SW ¼	572.±
Sec. 27, A portion of the NE ¼	66.±

	Acres
Sec. 35, A portion of the NE ¼	105.±
T.10N., R.4E.: Sec. 25, SE ¼	160.00
T.9N., R.5E.:	
Sec. 5, All fractional	640.32
Sec. 6, All fractional	679.52
Sec. 7, Lots 1 & 2, NE ¼, and E ½ NW ¼	340.57
Sec. 8, N ½	320.00
Sec. 17, All	640.00
Sec. 19, All fractional	694.72
T.10N., R5E.:	
Sec. 5, A portion of the E ½ NE ¼ NW ¼ and E ½	233.±
Sec. 17, NE ¼ NE ¼, and a portion of the NE ¼ and E ½ SE ¼	145.±
Sec. 19, A portion of the S ½ SE ¼	20.±
Sec. 20, A portion of the S ½ S ½	60.±
Sec. 21, E ½; E ½ NW ¼, NW ¼ NW ¼, NE ¼ SW ¼, and a portion of the SW ¼ NW ¼, NW ¼ SW ¼	523.±
Sec. 29, All	640.00
Sec. 30, NE ¼, S ½, and a portion of the E ½ NW ¼	550.±
Sec. 31, All fractional ..	688.55
Sec. 32, All	640.00
Sec. 33, N ½	320.00
T.11N., R.5E.: Sec. 32, Lots 1 & 2 (does not include minerals)	16.43

(ii) Mineral and geothermal interests—

T.8N., R.5E.: Sec. 32	100.±
T.10N., R.5E.:	
Sec. 9	160.00
Sec. 11	65.00

(B) Upon acceptance of title by the United States to such lands and interests, the Secretary shall convey to Weyerhaeuser Company all right, title, and interest of the United States to the following described National Forest System lands and interests in lands:

(i) Lands and interests therein—

	Acres
T.10N., R.5E.:	
Sec. 6, Mineral survey	193.96
Sec. 7, Mineral survey	12.65
T.11N., R.5E.:	
Sec. 28 Mineral survey	24.89
Sec. 29, Portion of MS 837	5.20
T. 8N., R.4E.:	
Sec. 29, All (does not include minerals)	640.00
Sec. 30, All fractional	604.07
Sec. 32, All fractional	702.99
T.13N., R.3E.:	
Sec. 6, All fractional	652.25
T.14N., R3E.:	
Sec. 10, All	640.00
Sec. 16, All	640.00
Sec. 20, All	640.00

(ii) Mineral and geothermal interests—

	Acres
T. 3N., R.4E.:	
Sec. 2	319.05
Sec. 22	40.00
T. 20N., R17E.:	
Sec. 26	320.00
T.20N., R.19E.:	
Sec. 8	160.00
T.21N., R17E.:	
Sec. 13	80.00
T.21N., R16E.:	
Sec. 14	320.00
T.22N., R16E.:	
Sec. 27	320.00
Sec. 33	640.00

	Acres
T. 15N., R. 4E.:	
Sec. 32	320.00
T. 27N., R. 11E.:	
Sec. 21	320.00
T. 14N., R.2E.:	
Sec. 24	640.00
T. 14N., R.3E.:	
Sec. 4	596.48
Sec. 8	640.00
Sec. 12	106.39
T. 7N., R.4E.:	
Sec. 4	39.73
Sec. 6	233.13
T. 8N., R.3E.:	
Sec. 10	480.00
Sec. 14	640.00
Sec. 16	627.36
Sec. 20	80.00
Sec. 22	560.00
Sec. 24	645.90
Sec. 26	480.00
Sec. 28	505.68
Sec. 30	120.00
Sec. 32	640.00
Sec. 34	80.00
Sec. 36	640.00
T. 8N., R. 4E.:	
Sec. 6	457.86

(4) Except as provided in paragraph (7), the instruments of conveyance respecting the lands and interests exchanged under this subsection may contain such reservations as may be agreed upon by the Secretary and the Weyerhaeuser Company or the Secretary and Burlington Northern Incorporated, as the case may be. The provisions of subsection (a) shall apply to the acquisition by the Secretary of any mineral or geothermal interests owned by Burlington Northern Incorporated.

(5) It is the sense of the Congress that the transactions necessary to effect the conveyances of title to lands referred to in this subsection should be completed within ninety days after the date of enactment of this Act. In the case of mineral and geothermal rights, the necessary transactions shall be completed within one year after such enactment. The rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(6) The Secretary shall certify in writing that to his satisfaction, at the time of conveyance, there has been no reduction in the values of the lands or interests therein caused by a direct action on the part of the current land owner below that which formed the basis for the exchanges provided for in this section. If the Secretary finds that a reduction in the value of the lands or interests therein has occurred caused by direct action on the part of the current land owner, the Secretary shall not carry out the exchange for those lands or interests so affected under this subsection, and acquisition of those lands and interests shall be undertaken by the Secretary in accordance with the provisions of subsection (a).

(7) The provisions of this subsection (except for the provisons of paragraph (6)) do not authorize the exercise by the Secretary of the power of eminent domain, and any exchange of the lands or interests in lands carried out under this subsection shall be pursuant to a voluntary agreement entered into between the Secretary and Burlington Northern Incorporated, or the Weyerhaeuser Company, as the case may be, with the full consent of each of the parties to such agreement. No prior contractual obligation of Burlington Northern Incorporated or of the Weyerhaeuser Company which may be affected by such exchange shall be assumed by, or otherwise transferred to, the United States in connection with such exchange.

(d) Any terms, conditions, or obligations imposed by the Act of July 2, 1964 (13 Stat. 365), as amended, that apply to lands and interests in lands exchanged under this Act by Burlington Northern Incorporated shall apply in equivalent manner to lands and interests in lands obtained by Burlington Northern Incorporated under this Act.

ADMINISTRATION

SEC. 5. (a) The Secretary shall administer the volcanic area as a separate unit within the boundary of the Gifford Pinchot National Forest, in accordance with the appropriate laws pertaining to the national forest system, and in accordance with the provisions of this Act.

(b) The Secretary shall manage the volcanic area to protect the geologic, ecologic, and cultural resources found there in as natural a state as possible, allowing primarily natural geologic forces and ecological succession to continue unimpeded, except that—

(1) the Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the volcanic area or (B) cause substantial damage to significant resources adjacent to the volcanic area, and

(2) in the case of any emergency which may threaten human life or property, the Secretary, acting through authorized personnel of the Forest Service, may take any action which such personnel deem necessary for the protection of human life or property.

Any action taken under paragraph (1) shall be the minimum necessary to prevent or reduce the unacceptable endangerment or damage, and any such action (other than emergency action to control fire) shall be based on a written finding of need. Such finding shall be based on an assessment of alternative courses of action.

(c) The Secretary shall permit the full use of the volcanic area for legitimate scientific study and research, except that the Secretary may impose such restrictions as may be necessary to protect public health and safety and to prevent undue modification of the natural conditions of the volcanic area.

(d) Nothing in this Act shall be construed to prohibit reasonable use of motorized equipment in the volcanic area, including aircraft landings, to: (1) provide emergency medical and rescue services (including those provided by State and local governments), or (2) place and service scientific equipment or provide access for research purposes.

(e)(1) The Secretary shall provide for recreational use of the volcanic area, except that the Secretary may impose such restrictions on any visitation within the volcanic area as the Secretary deems necessary for the protection of public health and safety, the resources of the volcanic area, and scientific research activities within the volcanic area. The Secretary shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs.

(2) Roads or other developed facilities within the volcanic area should be located generally in areas which were developed prior to the 1980 eruption. Roads no longer needed for proper administration of the volcanic area shall be obliterated by man-made actions or by allowing natural forces to occur.

(3) National Forest System roads within the volcanic area shall not be used for commercial forestry activities, except when the Secretary determines—

(A) that such use is necessary for activities carried out in connection with timber salvage contracts awarded by the Forest Service prior to the date of enactment of this Act; or

(B) on a case by case basis after notice and opportunity for public hearing, that such use is necessary for commercial forestry activities carried out on lands adjacent to the volcanic area and on non-Federal lands in the volcanic area, that there is no reasonable alternative route available, and that such activities (i) will not impair the resources described in section 1, and (ii) will not impair the resources described in section 1, and (ii) will be consistent with the provisions of this Act.

(f) Subject to valid existing rights, all lands and waters within the volcanic area are hereby withdrawn from disposition under the public land laws, from location, entry, and patent under the United States mining laws, and from the operation of the Geothermal Steam Act of 1970. Any mining activity carried out pursuant to valid existing rights shall be conducted in such manner as will maintain the water quality in existence in the affected area immediately prior to the commencement of such activity.

(g) Except for timber salvage contracts awarded by the Forest Service before the date of enactment of this Act and except as provided for in subsection (b), no commercial timber harvest or water resource developments shall be allowed on Federal lands within the volcanic area.

(h) The Secretary shall permit hunting and fishing on lands and waters within the volcanic area in accordance with applicable Federal and State law, except that the Secretary may designate zones within the volcanic area where, and establish periods when, no hunting or fishing shall be permitted for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(i) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 2(b), a detailed and comprehensive management plan for the volcanic area. The initial volcanic area management plan may be expressed as an amendment to the October 1981 Mount St. Helens Land Management Plan. Subsequent volcanic area plans shall be integrated with and periodically revised as a component of the Gifford Pinchot Land management planning process. The plan shall include but not be limited to:

(1) measures for the preservation of the natural geologic and ecologic processes and integrity of the resources;

(2) indications of types, locations and general intensities of development and access routes associated with the public understanding, use and enjoyment of the area, including anticipated timetables and costs;

(3) identification and implementation plans for visitor carrying capacities of the area; and

(4) indications of any potential modifications of the external boundaries of the area, and the reasons therefor.

SCIENTIFIC ADVISORY BOARD

SEC. 6. (a) There is hereby established the Mount St. Helens Scientific Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to:

(1) the measures needed to protect and manage the natural and scientific values of the volcanic area, and

(2) the administration of the volcanic area with respect to policies, programs, and activities which are specifically intended to retain the natural ecologic and geologic processes and integrity of the volcanic area.

The Board may make recommendations to the Secretary in regard to new research opportunities which may exist within the volcanic area designed to gain scientific information for future interpretation and enjoyment by visitors to the volcanic area. No recommendation by the Board shall be binding upon the Secretary.

(b) The Board shall be composed of nine members, who shall be individuals with recognized professional standing in appropriate scientific disciplines, as follows:

(1) three members appointed by the Secretary (one of whom shall be a professional employee of the Forest Service);

(2) two members appointed by the Secretary of the Interior (one of whom shall be a professional employee of the United States Geological Survey);

(3) two members appointed by the Governor of the State of Washington from among professional employees of the State of Washington (one of whom shall be from the Department of Fisheries and one of whom shall be from the Department of Game); and

(4) two members appointed by the Chairman of the National Science Foundation.

(c) Each member shall be appointed to serve for a term of three years, except that one of the initial appointees of each appointing official shall serve an initial term of four years, one of the initial appointees of each appointing official shall serve an initial term of two years, and one of the initial appointees of the Secretary shall serve an initial term of one year.

(d) The members of the Board shall be appointed within ninety days of enactment of this Act. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to potential and ongoing research programs within the volcanic area.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the chairman, the expenses reasonably incurred by the Board and its members in carrying out their responsibilities under this Act.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(h) The Board shall terminate ten years from the date of its first meeting.

EXPENDITURE OF CERTAIN REVENUES FROM GIFFORD PINCHOT NATIONAL FOREST BY SKAMANIA COUNTY, WASHINGTON

SEC. 7. (a) Notwithstanding the provisions of the last paragraph under the heading "Forest Service" of the Act of May 23, 1908 (16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (16 U.S.C. 500), of the amount which is paid under such provisions to the State of Washington with respect to Gifford Pinchot National Forest, to be expended for the benefit of Skamania County—

(1) not less than fifty percent shall be expended for the benefit of the public schools of Skamania County, as Skamania County may specify, and

(2) the remainder shall be expended for the benefit of public roads and other public purposes of Skamania County, as Skamania County may specify.

(b) Subsection (a) shall not apply to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (a) at the end of any fiscal year ending before the date of the enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated for fiscal years commencing after September 30, 1983, such sums as may be necessary to carry out the provisons of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 9. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

Amend the title so as to read:

To establish the Mount St. Helens National Volcanic Area, and for other purposes.

BRIEF EXPLANATION

H.R. 6530, as reported by the Committee on Agriculture, designates approximately 115,000 acres of land within and adjacent to the Gifford Pinchot National Forest in the State of Washington as the Mount St. Helens National Volcanic Area. It expands the boundary of the National Forest to include the volcanic area, which would be administered by the Secretary of Agriculture through the Forest Service.

The bill directs the Secretary to acquire all non-Federal lands and interests in lands within the volcanic area by donation, exchange or purchase (by exchange only in the case of lands of the State of Washington). It fixes the date of valuation for timber to be acquired as July 1, 1982. In order to expedite the exchange of the major portion of the privately held lands and interests within the volcanic area, the bill describes explicitly the lands and interests to be exchanged, voluntarily and on an equal value basis, by the United States and the Weyerhaeuser Company and Burlington Northern Incorporated.

The bill requires the Secretary to manage the area primarily to protect its unique resources and to provide for scientific research and recreational use, including hunting and fishing. It establishes a Scientific Advisory Board to advise the Secretary regarding management actions and policies needed to protect and enhance the natural and scientific values of the volcanic area.

The bill also provides greater flexibility to Skamania County, Washington (where the volcanic area is located), with respect to the uses to which it may put its share of certain revenues from the Gifford Pinchot National Forest.

Purpose and Need

H.R. 6530, as reported by the Committee on Agriculture, would designate approximately 115,000 acres of land within and adjacent to the Gifford Pinchot National Forest in the State of Washington as the Mount St. Helens National Volcanic Area. The National Forest boundary would be expanded to include the volcanic area, which would be administered by the Secretary of Agriculture through the Forest Service.

The Secretary is directed to acquire all non-Federal lands and interests in lands within the boundary by donation, exchange or purchase (by exchange only in the case of State lands) and the date of valuation for timber to be acquired is set as of July 1, 1982. In order to expedite the exchange of the major portion of the private lands and interests within the volcanic area, certain Gifford Pinchot National Forest lands and interests outside the area boundary are specifically described and designated to be exchanged, voluntarily and on an equal value basis, with other specifically described and designated lands and interests within the boundary, owned by Weyerhaeuser Company and Burlington Northern Incorporated.

The Secretary is required to manage the area primarily to protect its value for scientific research and recreational use, including hunting and fishing. A Scientific Advisory Board is established to advise the Secretary regarding management actions and policies needed to protect and enhance research projects and opportunities.

On May 18, 1980, after a 123-year dormant period, Mount St. Helens violently erupted, devastating over 235 square miles of National Forest, State, and private timber and recreational lands in the area. Preceded by an earthquake measuring 5.0 on the Richter scale, the lateral explosion destroyed the top one-third of the mountain, killed 60 people, obliterated or blew down over 3 billion board feet of timber, destroyed all other vegetation, and exacted a heavy toll on fish, wildlife and their habitats.

The eruption explosively released hot gases, pumice and ash, and triggered avalanches and major mudflows and flooding in the area's rivers. The ash cloud that accompanied the eruption rose 63,000 feet in the air and drifted around the world, blanketing large areas of Washington and adjoining States with ash fallout. Smaller eruptions, pyroclastic flows, venting of ash and gases, and the building of a lava dome within the crater have occurred periodically since the major eruption.

Faced with the responsibility of managing lands affected by this cataclysmic event, the Forest Service initiated work on a special management plan for the area. Based on the conclusions of an Interdisciplinary Planning Team and the assessment of several alternatives in an Environmental Impact Statement, the Forest Service issued its Mount St. Helens Management Plan in October 1981. The Preferred Alternative identified in the Plan calls for the establishment of an 84,710-acre Interpretive Area to protect certain sig-

nificant geologic features within a portion of the blast zone created by the volcano. The Interpretive Area envisions the expansion of the Gifford Pinchot National Forest and the eventual acquisition of approximately 15,000 of the over 26,000 acres of State and private lands within the expanded boundary. Legislation would be necessary to expand the National Forest boundary.

Several legislative proposals were made to expand the forest boundary, to provide statutory management direction, and to designate certain lands surrounding the volcano as either a National Monument or National Volcanic Area. These bills were referred to both the Agriculture Committee and the Committee on Interior and Insular Affairs. The various proposals are described briefly below:

(1) H.R. 5281, sponsored by Mr. Bonker of Washington, included approximately 110,000 acres and is similar to the proposal recommended by the Governor of Washington,

(2) H.R. 5773, sponsored by Mr. Morrison and Mr. Foley, of Washington, included approximately 84,700 acres and set the boundary of the volcanic area at that recommended by the Forest Service in its proposed Interpretive Area.

(3) H.R. 5787, sponsored by Mr. Bonker, included approximately 216,000 acres and reflected the proposal made by the Mount St. Helens Protective Association and other environmental organizations.

Testimony at the hearings held on the various bills relating to establishment of a Mount St. Helens National Volcanic Area provided a wide range of views as to the need for and size of the area. The weight of the evidence presented, particularly from the scientific community, was that an area of adequate size should be established and protected for short and long term geological and biological research. As a consequence of that testimony, a very careful analysis of each of the significant drainages was conducted. The core area comprised of 84,700 acres was supported by most groups. Additional areas recommended were Goat Creek, Smith Creek, Clearwater Creek, Miners Creek, Ape Creek Canyon, Muddy River, Fawn and Elk Lakes area, Upper Green River, Kipuka, Quartz Creek, Bean Creek, Swift Creek, Goat Marsh Research Natural Area and part of the South Fork of the Toutle River. After careful consideration of the relative scientific and recreational values of these areas, the Committee adopted boundaries including the areas broadly agreed upon as having the highest values for scientific and recreational uses while holding any impacts on the logging industry to a minimum.

There are several Forest Service Management Areas that were not included in the reported bill even though some of them were listed by the scientific community and some other groups as high priority areas. These areas included Quartz Creek-Strawberry Mountain, Muddy River, and Bean-Clearwater Creeks drainage and the Fawn and Elk Lakes area. The final Environmental Impact Statement of the Forest Service sets forth constrained management policy for most of these areas as prime wildlife habitat, unroaded recreation area, research natural area, or recreational access route which will provide appropriate Forest Service management. Because of these stated policies and because they were of lower scien-

tific and environmental priority, the areas were not included within the volcanic area boundary.

After hearings in Washington, D.C., and in Washington State, H.R. 6530 was introduced by Congressman Bonker and cosponsored by all members of the Washington State Congressional delegation. As introduced, H.R. 6530 would establish a National Volcanic Area of approximately 115,000 acres and include many of the suggestions for management direction and boundaries made during the hearings. It incorporates many of the areas most highly endorsed for protection by the scientific and environmental witnesses at the hearings.

H.R. 6530 would expand the Gifford Pinchot National Forest boundary to encompass approximately 17,000 acres of State and privately owned land containing the Toutle River mudflow and other unique geologic features associated with the eruption. These features would be part of the volcanic area. The Secretary would be directed to acquire ownership of private lands within the volcanic area by donation, exchange, or purchase, and of State lands therein by exchange.

In order to facilitate and expedite the exchange of the bulk of the private lands within the volcanic area, the Secretary is directed to offer specific national forest lands and interests in lands in exchange for Weyerhaeuser and Burlington Northern lands and interests of equal value in and around the volcanic area. While this exchange is subject to determination by the Secretary that clear titles have been presented by the companies for surface or subsurface rights, it is the intent of the Committee that the Secretary shall endeavor to complete the exchanges with all possible dispatch—within 90 days after enactment. The Committee also notes that although the specific land areas identified for exchange by the Act are a product of the best possible negotiated, equal value settlements between the government and the companies, the Secretary has the latitude for minor adjustments to conclude fair and equitable agreements. All mineral exchanges are to be completed within one year. Lands that would be acquired by the Forest Service under the designated exchanges would total approximately 33,100 acres. The acres received by the private companies would total approximately 7,300.

Since much of the timber on the lands to be received by the Forest Service is dead or down, and subject to rapid deterioration, timber values for the purposes of achieving an equal value exchange are set as of July 1, 1982. This will insure that the value State and private landowners will receive for their timber will not be unfairly depressed by any delays in acquisition of the non-Federal property within the volcanic area.

H.R. 6530 provides that the area be managed as a separate unit within the Gifford Pinchot National Forest, but that the special management plan developed for it be integrated with the ongoing forest land management planning process. The Secretary is directed to manage the area to protect its natural geologic and ecologic processes and the integrity of its resources. Scientific research opportunities, and fishing, hunting, and other recreational activities are provided for. Timber harvest would be prohibited, except under special circumstances to protect the surrounding forest. All con-

tracts to salvage timber entered into prior to passage of the Act would remain valid. The volcanic area would be withdrawn from further mineral entry, but all valid existing mineral rights are protected. It is not intended that existence of the volcanic area interfere with any use of Federal and non-Federal lands adjacent to the volcanic area, through establishment of buffer areas or special land use restrictions or otherwise. It is also noted that logging activities occurring adjacent to the boundaries of the volcanic area may, in some cases, require minor intrusions into the area for purposes of surveying, hazard control, and guyline or tailhold anchors. Such use in the immediate boundary area should be permitted by the Secretary if it does not adversely affect the resources or scientific values of the area.

H.R. 6530 establishes a Scientific Advisory Board to consult with the Secretary regarding the formulation and implementation of policies and management actions that govern or affect the natural and scientific values of the area. The nine members of the Board who are to have recognized professional standing in appropriate scientific disciplines are to be appointed by the Secretaries of Agriculture and the Interior, the Governor of the State of Washington, and the Chairman of the National Science Foundation.

The Forest Service Interpretive Area included the mountain and the major portion of the Federal land and a portion of the private land damaged by the blast, and envisioned the acquisition of the Toutle River mudflow. This is a major geologic feature of the area and graphically documents the force and destructive power unleashed by the eruption. It is an area of critically important scientific research and has numerous research projects underway.

During its consideration of legislation relating to the Mount St. Helens Volcanic Area, the Committee on Agriculture has been keenly aware of the unique opportunities for research presented by the area affected by the eruption. In this connection, questions have arisen concerning research on the mudflows following the drainages of the North and South Forks of the Toutle River on lands owned by the Weyerhaeuser Company. The following exchange of correspondence between Representative Morrison, a member of the Subcommittee on Forests, Family Farms, and Energy, and the President of the Weyerhaeuser Company bears on this subject.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1982.

Mr. GEORGE WEYERHAEUSER,
President, Weyerhaeuser Co.,
Corporate Headquarters,
Tacoma, Wash.

DEAR GEORGE: In working on the Mount St. Helens legislation, the question of cooperative management keeps coming to the surface. I have discussed this matter with various Weyerhaeuser personnel.

At particular issue are the mudflows following the drainages of the North and South Forks of the Toutle River. Many acres of Weyerhaeuser-owned land were covered by these mudflows.

I respectfully request that you provide for the Committees on Agriculture and Interior and Insular Affairs a summary of actions taken to date in permitting scientific studies to take place on the mudflows. In particular, I hope that you would focus on the research initiatives of the U.S. Geological Survey. Will such research activities now being conducted, and possible future research programs, be permitted to continue on those portions of the mudflow located on Weyerhaeuser property?

Your response is important to the legislation now before the Congress, and will be greatly appreciated.

My warmest personal regards,

Sincerely,

SID MORRISON.

WEYERHAEUSER CO.,
Tacoma, Wash., June 15, 1982.

Hon. SID MORRISON,
Longworth House Office Building,
Washington, D.C.

DEAR SID: This is in response to your letter of May 20, 1982 regarding research on Mount St. Helens mud flows that are owned by Weyerhaeuser Company.

Since 1980, the company has taken an active and supportive role in the broad array of public and privately funded research activities on Mount St. Helens. This active and supportive role has also applied to the mud flows resulting from the May 18, 1980 event.

Starting in 1980, there were 18 major studies initiated on company lands and this was expanded to a total of 33 major research studies in 1982. These research studies are being conducted by federal agencies, universities, state agencies and Weyerhaeuser Company. In addition, we have issued numerous short-term permits for research entry and observations. Of the 33 major studies, there are six that relate directly to mud flows. The University of Washington has two, Weyerhaeuser Company has three, and the U.S. Geological Survey (USGS) has studies encompassing the North Toutle and Green River channels. (The USGS also has four more studies off of the mud flows that relate to infiltration, runoff, erosion and related watershed subjects.)

There has been outstanding communication of all research activities through the efforts of the Research Cooperative (U.S. Forest Service/State/Weyerhaeuser Company) and this work has proved to be a valuable resource.

In brief, Weyerhaeuser Company has been and will continue to be supportive of legitimate research projects. There is always the potential for conflict between operations and scientific research. However, we have demonstrated in the past two years the ability to resolve conflicts and, I think, successfully accomplish our forest management objectives with a minimal effect on research.

Our Southwest Washington operating managers and Mount St. Helens research manager have had recent discussions with the USGS concerning future research needs in the South Toutle mud flow area. In addition, we have drafted a proposed land use permit

that would address the need for scientific research by the U
Weyerhaeuser lands in that area. Mr. Hans Carstensen
Washington, D.C., office has a copy of that draft should you
staff care to examine it.

We appreciate your interest in this matter. Please con
should you desire any further information.

Sincerely,

G. H. WEYERHAEUSE
Pres

In addition to the areas included in the Forest Service I
tive Area, the following areas are within the volcanic area
passed by H.R. 6530:

(1) Goat Creek drainage. This includes 6500 acres. Much
area was allocated to wildlife in the Forest Service's Final
mental Impact Statement accompanying the Interpretive A
marily for spotted owls and elk habitat. Under these allo
timber harvest levels are reduced. A large portion of the
was also allocated to unroaded recreation by the Forest Ser

The panel of scientists at the Washington, D.C., hearings
that timber harvest or other alteration of this area would
significant loss of research opportunities. Testimony stated
area was critical for research and interpretive opportunit
area is one of the highest priorities of the environmental
who stress its importance for recreation, wildlife, and as
access route to the blast zone. Because it is an unlogged ar
important as an opportunity for graphic interpretation of
fects of the eruption, and as a baseline for scientific studies
the blast zone.

The boundary of the Goat Creek area skirts the patented
claim along the ridge at the upper end of the drainage.

(2) Green River. The area has been reduced from that in
lier H.R. 5281. This area and USGS Research Area No. 1 ar
same drainage and together comprise 6,120 acres. Most of t
will include the upper Green River in the volcanic area.
has been drawn to include both banks of the river, but clos
north bank. The boundary will thus avoid including what s
lieve to be the most potentially productive of the copp
claims on Goat Mountain and its slopes above the rive
boundary will leave some of the claims within the area; h
the legislation states that valid existing claims can be
within the volcanic area.

(3) USGS Research Area No. 1, the headwaters of the
River. This area is a small drainage that was completely
and unroaded prior to the eruption. It is totally within th
zone and is the top research priority for the USGS and th
tists who testified at the hearings. There is ongoing r
within this area, especially hydrologic studies.

(4) USGS Research Area No. 2a (partial), upper Smith
This area consists of 2000 acres. USGS Research Area No.
included the Bean Creek drainage to the east, but this po
excluded in H.R. 6530. The area is entirely within the bla
and is covered with tephra deposits of various thickness.
reason it is difficult to salvage timber within it. The area h

scientific priority for the study of the tephra deposits and the recovery of a watershed subjected to them. There are both logged and unlogged tracts within the area for comparative studies.

(5) USGS Research Area No. 2b (the Island). This area includes 4000 acres. It was heavily logged prior to the eruption. There are heavy tephra deposits within the area. The Forest Service plans on aerial logging there because of the distance of the salvage timber from access roads and difficulty of building roads over the tephra. Scientists fear that any salvage logging in this area (and in No. 2a) will accelerate erosion and endanger research projects in the drainages. This area is surrounded by mudflows created by the melting glaciers during the eruption. The mudflows were included within the Forest Service's Interpretive Area, but the island they circled was not. Half of the island is within the blast zone—the south half is outside. Both the USGS and the other scientific testimony at the hearings placed USGS Research Areas 1, 2a, 2b, and 3 at the top of the priority list of scientifically important areas that should be added to the volcanic area. The three areas are also part of the Governor's recommendations for additions to the Forest Service's Interpretive Area.

(6) Kipuka Forest. H.R. 6530 adds this old-growth forest, adjacent to an old, sparsely forested lava flow, to the Forest Service's Interpretive Area. The old lava flow is now included in the Interpretive Area. The Kipuka, and the Kalama addition described below, together contain 6,650 acres. About half of the addition would be managed for old-growth dependent wildlife species (spotted owls and elk) under current Forest Service plans. The addition includes a RARE II Further Planning area and, along with the Goat Creek drainage, is one of the highest priority additions supported by environmental groups. There is no salvage timber in the area.

(7) Kalama. This addition (approximately 1000 acres of the total above) follows the ridge from Goat Mountain down to the Kalama River, crosses it, then follows the ridge on the south side of the river to join with the Kipuka Forest. Inclusion of the area would protect some habitat for old-growth dependent wildlife. The ridges will provide a more manageable boundary for this portion of the volcanic area.

(8) USGS Research Area No. 3, Sheep Canyon. This is an addition of approximately 1000 acres and is just outside of the blast zone. It includes the most important portion of Research Area No. 3, which the USGS testified should be included within the volcanic area. The valley bottom contains the thickest and most complete sequence of the 1980 mudflows, as well as three undated prehistoric buried forests of important scientific value. Scientific studies are ongoing in this area. The addition also included a Forest Service old-growth wildlife habitat area.

(9) Castle Creek. This area is a 190-acre addition made to include the upper portion of Castle Creek within the volcanic area. It is completely within the blast zone. The creek feeds one of the newly formed lakes created by the Toutle River mud and debris flow. Inclusion of the upper part of the drainage will allow better management and will protect the watershed and the lake for scientific study.

(10) Miners Creek. This is a 2,100-acre addition. Prior to the eruption, this was a popular route into the Mount St. Helens area. For this reason environmental groups have long supported acquisition of the creek by the Forest Service. While it is completely within the blast zone, the natural recovery of the area will again make it a popular route to the volcanic area. It is a logical and manageable boundary for the northwestern portion of the volcanic area, as there is no Forest Service land to the west of it. Miners Creek was one of the Governor's recommended additions. This boundary is strongly endorsed by environmental groups.

Skamania County encompasses the bulk of the Gifford Pinchot National Forest and most of the area being set aside for the volcanic area. The designation of the volcanic area will have a long-range impact on the livelihood of Skamania County. Eighty-five percent of the county's total acreage is in Federal hands and only 8 percent of the land is taxed at full valuation. Skamania County is, therefore, largely dependent upon its share of timber receipts from the Gifford Pinchot National Forest.

A major portion of Skamania County is being removed from the tax base. The county needs the flexibility to use the monies it receives from the harvest of Federal timber for the public purposes most in need. Under current law, the county's timber receipts are divided so 50 percent goes for schools and 50 percent for roads. A provision of H.R. 6530 simply changes that formula so that the 50 percent of receipts now designated for roads may be utilized for roads and other public purposes; the school money allocation is not changed. The county has had considerable increases in expenses for law enforcement and investigations and needs some flexibility in how the timber money is spent to satisfy a diversified public need created largely by the volcanic eruption.

Section-by-Section Analysis

Section 1 of H.R. 6530, as amended, contains Congressional findings that the Mount St. Helens volcanic area is of great value and international significance for scientific and recreational purposes and should be preserved for the benefit and enjoyment of the American people.

Section 2 of the bill designates the "Mount St. Helens National Volcanic Area" of about 115,000 acres, requires the Secretary of Agriculture, within 60 days of enactment, to file a final boundary map and legal description of a volcanic area with the Congressional committees of jurisdiction, and authorizes the Secretary to correct technical errors in the legal description of the area and, after giving notice, to make minor boundary changes.

Section 3 extends the boundary of the Gifford Pinchot National Forest to include the volcanic area, and makes the extension effective as of January 1, 1965, for purposes of the Land and Water Conservation Fund Act of 1965.

Section 4 of the bill (a) directs the Secretary, except as otherwise provided, to acquire all lands and interests therein by donation, exchange or purchase, or, in the case of lands owned by the State of Washington, only by exchange, and permits acquisition of certain mining claims only with a consent of the owner;

(b) provides that any timber to be acquired under the bill is to be valued at not less than its fair market value of July 1, 1982;

(c) sets forth the specific descriptions of lands and certain mineral interests to be voluntarily exchanged by the United States and the Weyerhaeuser Company and Burlington Northern Incorporated, and provides that the Secretary is to exercise the power of eminent domain only to the extent necessary to acquire lands and interests not acquired through voluntary exchanges described in the bill;

(d) generally permits parties to the voluntary exchanges described in the bill to make such reservations as may be agreed upon;

(e) states the sense of the Congress that the exchanges of land and timber should be completed within 90 days of enactment and provides that mineral exchanges shall be completed within one year of enactment;

(f) provides that the exchanges described specifically in the bill are voluntary, and that the United States shall not assume any prior contractual obligations of the current owners of the lands to be voluntarily exchanged with third parties; and

(g) applies, to lands to be received by Burlington Northern Incorporated under the bill, any terms, conditions and obligations under the Act of July 2, 1864, which currently apply to lands owned by the company and transferred to the United States.

Opinions differ as to whether, or the extent to which, terms, conditions, or obligations of the Northern Pacific land grant (Act of July 2, 1864; 13 Stat. 365, as amended) apply to lands presently held by Burlington Northern Incorporated or its subsidiaries that may be exchanged pursuant to this bill. The Committee expresses no view on this matter. It seeks only to maintain the status quo regarding any such terms, conditions or obligations that may now apply. It intends neither to free any lands received in exchange by Burlington Northern Incorporated or its subsidiaries pursuant to the bill from any terms, conditions or obligations that may presently apply to lands that company gives in exchange, nor to impose any new or different terms, conditions or obligations.

Section 5 of the bill contains provisions for the administration of the volcanic area. These provisions would:

(a) direct the Secretary to administer the area as a separate unit within the boundary of the Gifford Pinchot National Forest and to manage the area to protect the resources found there in as natural a state as posssible;

(b) authorize the Secretary to take action to control fire, insects and diseases that might endanger features within the area or cause damage to resources adjacent to the area and to take action necessary for the protection of human life or property in case of emergencies;

(c) require the Secretary to permit use of the area for scientific study and research, subject to restrictions necessary to protect the public and prevent undue modification of the area;

(d) provide that nothing in the legislation shall be construed to prohibit reasonable use of motorized equipment to provide emer-

gency medical and rescue services, to place and service scientific equipment, or to provide access for research purposes;

(e) direct the Secretary to provide for recreational use of the area, subject to restrictions for the protection of public health and safety, the resources of the area and scientific research;

(f) provide that roads or other development facilities within the area should be located generally in areas developed prior to the 1980 eruption;

(g) prohibit the use of Forest System roads within the area for commercial forestry activities, except when the Secretary determines that such use is necessary for carrying out Forest Service timber salvage contracts previously awarded or, on a case-by-case basis, after notice and opportunity for a hearing that such use is necessary for such activities carried out on lands adjacent to the area and on non-Federal lands in the area, if there are no reasonable alternatives and if it will not impair the resources in the area. The Committee recognizes that there may be circumstances when determinations under this provision as to use of Forest System roads within the volcanic area may have to be made without undue delay. Accordingly, the required notice should be given sufficiently in advance so as to afford interested persons an opportunity to participate in the public hearing in a meaningful way; however, notice need not be given earlier than reasonably necessary to achieve this purpose. After the hearing has been held, it is expected that the Secretary will promptly reach a decision on the matter involved;

(h) subject to existing rights, withdraw the lands within the area from disposition under public land laws, patents under Federal mining laws, operation of mineral leasing laws and operation of the Geothermal Steam Act of 1970, and require that mining activity under existing rights be conducted to maintain water quality;

(i) except as otherwise provided, prohibit commercial timber harvest or water resource development on Federal lands within the area;

(j) direct the Secretary to permit hunting and fishing within the area in accordance with State and Federal law except when necessary for public health, safety and protection of resources of the area; and

(k) direct the Secretary, within three years of the date of enactment, to submit to the committees of jurisdiction a management plan for the volcanic area which may initially be expressed as an amendment to the 1981 Mount St. Helens Land Management Plan, and to integrate subsequent plans with the Gifford Pinchot land management planning process.

One of the basic purposes of the legislation, as expressed in section 5, is to protect the resources in the volcanic area in as natural a state as possible. However, it is recognized that the Secretary may need to take action to control fire, insects or diseases that might endanger irreplaceable features within the area or cause substantial damage to resources adjacent to the area. It is the Committee's intent, however, that, as regards fire protection or suppression, any such action that involves timber salvage operations within the volcanic area be undertaken only in truly emergency or urgent circumstances to achieve the purpose specified above. The Committee does not intend that the authority given the Secretary

by this section be exercised for the purpose of producing revenues from salvage sales. As a means of insuring that this authority is utilized only in the most unusual, emergency circumstances, the Committee expects the Secretary to inform the committees of jurisdiction of the Congress of any exercise of this authority as it relates to timber salvage operations, and the reasons therefor.

It is also the intent of the Committee that none of the provisions of section 5 of the bill shall be interpreted or applied in a manner which would limit or restrict "flyovers" of the volcanic area by aircraft.

Section 6 (a) establishes the Mount St. Helens Scientific Advisory Board to advise and make recommendations to the Secretary on measures needed to protect and manage the values of the volcanic area;

(b) provides that the Board is to be composed of nine members: three to be appointed by the Secretary, two to be appointed by the Secretary of the Interior, two to be appointed by the Governor of the State of Washington, and two to be appointed by the Chairman of the National Science Foundation;

(c) provides for three-year terms for Board members, except for the initial appointees, whose terms shall be arranged so as to permit continuity of the Board;

(d) provides for various administrative details of the Board's operations; and

(e) limits the Board's existence to a period of 10 years.

Section 7 provides that from amounts paid to Skamania County, Washington, under other provisions of law, from revenues from the Gifford Pinchot National Forest, at least 50 percent shall be expended for the benefit of the public schools of the county and the remainder shall be expended for the benefit of public roads and other public purposes of the county.

Section 8 authorizes appropriations for fiscal years commencing after September 30, 1983, in such sums as may be necessary to carry out the Act.

Section 9 provides that provisions of the legislation authorizing enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

COMMITTEE CONSIDERATION

A. HEARINGS

On March 11, 1982, a joint hearing was held by the Forests, Family Farms, and Energy Subcommittee of the Agriculture Committee, and the Public Lands and National Parks Subcommittee of the Interior Committee in Washington, D.C., to consider H.R. 5281, by Mr. Bonker, and H.R. 5773, by Mr. Morrison and Mr. Foley. H.R. 5281 would establish a National Volcanic Area based upon the 110,000 acre proposal recommended by the Governor of Washington. H.R. 5773 would establish an 84,700 acre National Volcanic Area based on the proposal for an Interpretive Area made in the Forest Service's Environmental Impact Statement for its Mount St. Helens land management plan. Both Mr. Bonker and Mr. Morrison described their proposals and pointed out the need for prompt

action by Congress to protect the area's scientific and recreational values, and to clarify which of the timber damaged by the eruption would be subject to salvage logging and active rehabilitation.

The Administration was represented by the Forest Service and the Geological Survey (USGS), agencies both actively involved in management and research within the area of the eruption. The Forest Service outlined its actions taken since the eruption to develop a management plan for the area. These included designation of unroaded recreation areas in the Goat Mountain and Strawberry Mountain areas, preservation of old-growth timber stands in the Quartz Creek area, continued protection of two Research Natural Areas, and designation of approximately 17,000 acres of prime habitat for deer, elk, and old-growth dependent wildlife species. In addition, other lands were designated for timber protection. The Forest Service supported H.R. 5773 in order to expand the Gifford Pinchot National Forest boundary and to carry out land acquisition necessary to implement its proposed Interpretive Area. The boundary of the National Volcanic Area that would be established under H.R. 5773 is the same as that administratively-designated by the Chief of the Forest Service as the Mount St. Helens National Volcanic Area on October 16, 1981. The Forest Service testified that the Administration supported the acquisition of no more than 15,000 acres of State or private lands within the volcanic area to be accomplished by exchange or donation only. The Forest Service preferred to obtain agreements with State and private landowners to cooperatively manage other unacquired lands within the area to accomplish certain scientific, scenic, or recreational purposes.

The USGS pointed out that there were three major areas outside of the boundary of the National Volcanic Area proposed in H.R. 5773 that it believed should be protected for scientific purposes. It stated that it believed that these areas were critical to geophysical and hydrologic research and would lose much of their research value if road construction, salvage logging operations or rehabilitation efforts were to occur upon or near them. These included the upper Green River watershed, the tephra and ash-covered lands and adjoining mudflows to the east of the volcano, and the mud and debris flow in the south fork of the Toutle River, west of the volcano.

The USGS also endorsed inclusion and acquisition of the major mud and debris flow on the main course of the Toutle River, which is also part of the Forest Service's proposed Interpretive Area. Most of the areas referred to by the USGS had research activities underway.

Governor John Spellman of Washington State submitted testimony in support of a 110,000 acre National Volcanic Area. This recommendation was based upon the findings of a State-appointed Commission which considered the effects of such a designation on tourism, recreation, timber-related revenues, and the timber industry, including the effects on management of State and privately-owned timber lands within the volcanic area. The Governor's testimony supported the acquisition of State-owned timber lands by exchange.

Numerous scientists testified in support of the establishment of a larger and more protective National Monument for the St. Helens

region. Zoologists, geophysicists, botanists, foresters, ecologists, and other scientists with interests in the volcanic activity or the geologic and ecologic processes related to it, testified strongly in favor of preserving as much as possible of the affected area as a unique, closely observed, and extensively documented natural laboratory.

In addition to protecting the area for geophysical research, they voiced extreme concern regarding timber salvage operations and measures taken to rehabilitate the vegetation of the area. Scientific testimony vigorously supported including adjoining areas untouched by either volcanic or timber harvest activities as benchmarks against which to compare ongoing processes of revegetation and wildlife repopulation of the devastated area.

The testimony of numerous national and local conservation groups strongly supported a proposal made by the Washington State based Mount St. Helens Protective Association (MSHPA) that would designate approximately 216,000 acres of both volcano-damaged and unaffected lands as a National Monument. The inclusion of more lands was supported in order to provide a greater variety of recreational experiences in the areas surrounding the devastated area, as well as to graphically illustrate the destructive power of the blast by way of comparison with lands protected in a totally natural condition.

National conservation groups, the MSHPA, and other local environmental organizations noted that the Forest Service's management plan for the adjacent National Forest lands allocated areas for old-growth dependent wildlife, backcountry recreation, research natural areas and other restrictive land uses. They stated that such designated uses would remain compatible with a larger National Monument designation. The testimony of environmental organizations also strongly endorsed the values of the area for scientific research, and emphasized the need for untouched areas to provide research benchmarks.

Off road vehicle associations opposed a large volcanic area and generally supported Forest Service management plans for the area. The primary concern of those organizations was that access to motorized vehicles within the designated area, regardless of its size, would be limited.

Representatives of the two largest forest land owners within the Mount St. Helens area, the Weyerhaeuser Company and Burlington Northern Incorporated, were supportive of the various proposals, provided that land exchanges contemplated under the bills would proceed expeditiously. Both companies own substantial amounts of salvageable timber within the boundaries of all proposals, and expressed willingness to refrain from harvesting if it became clear that some legislative action would occur. To the maximum extent feasible, the companies favored specific legislative designation of the Forest Service lands to be exchanged for lands within the volcanic area in order to avoid possible administrative or legal challenges, or other delays. The companies also favored setting a date for valuation of the salvage timber to be exchanged, and suggested July 1, 1982. This was to ensure that salvage timber values would remain constant, regardless of the deterioration of the downed timber, in the event that exchanges were not accomplished promptly upon passage of a legislatively specified exchange.

After the hearing, Mr. Bonker introduced H.R. 5787, which would establish a 216,000 acre Mount St. Helens National Monument as proposed by the Mount St. Helens Protective Association, for further consideration by the Committees.

A joint field hearing was held by the Agriculture and Interior Subcommittees on April 3, 1982, in Vancouver, Washington. Over 80 individuals offered testimony, a great number of them local conservationists favoring the 216,000 acre proposal of the Mount St. Helens Protective Association. Additional scientific testimony was provided, also in support of a larger and more protective designation than recommended by the Forest Service for the mountain. Much of this testimony was from scientists based at the University of Washington who were engaged in ongoing field research on the volcano.

A number of county commissioners and local officials from the affected counties testified in favor of some formal designation (although smaller than the Forest Service's Interpretive Area) to protect the volcano, and focused on the potential value for developing tourism that such a national designation would have. In a region widely dependent on a fluctuating timber economy, the hope was expressed that increased tourism would have the effect of diversifying and stabilizing the economy. The local officials also expressed concern about a possible reduction of the land base for timber production through allocation of land to a volcanic area, and the exchange of public forest land with private timber companies.

This concern was also expressed by local public timber purchasers and Pacific Northwest forest industry associations. These witnesses testified that the legislation would reduce the forest land base, and consequently the amount of public timber annually available for harvest. In response to this concern, Burlington Northern Incorporated offered to allow other companies to bid for and harvest timber from lands the company received from the Forest Service in any exchange.

International Paper Company testified that it owned timber cutting rights to some of the Burlington Northern land which the Forest Service might acquire by exchange. While the company supported the establishment of a volcanic area, it expressed concern that its contractual rights to the timber involved be settled prior to exchange of the land and its incorporation into a volcanic area, where timber removals would be limited.

Representatives of the Washington State Departments of Game and of Fisheries testified on the effects of the eruption on fish and wildlife habitats and populations. Concern was voiced regarding the effects that establishment of a volcanic area might have on the rehabilitation of lakes and streams to make them suitable for restocking to replace fish killed by the eruption. It was suggested that certain water bodies be left to recover naturally, and others inside the area be available for habitat improvements, such as downed log removals, and fish restocking. It was also stated that vast areas denuded of timber by the blast will, if left alone, return to vegetation used by big game for forage crops and thus the deer and elk populations are likely to expand dramatically in the next few years. The State wildlife managers were concerned that there be no legislative limitations on hunting in the area. They preferred

that wildlife populations be controlled by hunting season adjustments. Finally, they supported the establishment of a scientific advisory board to advise the Forest Service on fish and wildlife habitat manipulation, and other resource management actions, that might be allowed within the volcanic area.

B. SUBCOMMITTEE MARKUP

The Subcommittee on Forests, Family Farms, and Energy met on June 8, 1982, to consider H.R. 5773, a bill introduced by Mr. Morrison and Mr. Foley, which would establish the Mount St. Helens National Volcanic Area. Mr. Weaver, Chairman of the Subcommittee, made introductory remarks about the legislation in general, and referred to other bills relating to the subject, including H.R. 6530, introduced by Mr. Bonker, Mr. Foley, and others.

Mr. Morrison asked unanimous consent that language which he submitted be substituted for the text of H.R. 5773 and be considered as original text for the purposes of markup. There was no objection.

The language of the Morrison substitute was similar in many respects to the provisions of H.R. 5773, as introduced. In important respects, however, it differed from the original bill. It increased the volcanic area to about 98,000 acres, provided for descriptions of specific lands to be exchanged with the Weyerhaeuser Company and Burlington Northern Incorporated, described arrangements for roads within the area, made allowance for hunting and fishing within the area, established a Scientific Advisory Board, and contained certain other provisions of an administrative nature.

Chairman Weaver commended Mr. Morrison and other concerned parties for their work on the legislation. Mr. Weaver then offered, as a substitute for the Morrison language, the text of H.R. 6530, together with a series of amendments thereto. Several of the amendments were of a technical or grammatical nature. Others made clear that the exchanges to be fully described in the bill were voluntary with the parties, provided that the United States was not to assume responsibility for prior contractual agreements between private parties on land acquired by the United States by exchange and to make clear that roads within the volcanic area are to be located generally in areas where they were developed prior to the 1980 eruption.

Mr. Morrison offered an amendment to the Weaver substitute to insert "should" for "shall" in connection with the location of roads in the volcanic area. The amendment was approved without objection. This would give more discretionary power to officials to decide the location of roads within the volcanic area.

Mr. Morrison then offered another amendment to the substitute which would strike out the provision that the area be administered as a separate unit of the national forest system. After some discussion, Mr. Morrison, without objection, withdrew his amendment.

Mr. Morrison then offered an amendment concerning the Scientific Advisory Board. He outlined the differences between the Scientific Advisory Board as constructed in his amendment and the Scientific Advisory Commission in the Weaver substitute. He asked unanimous consent that the provisions of his amendment on terms

of members be adjusted by staff to provide continuity on the board during its 10-year life. There was no objection. Without objection the amendment, as adjusted, was approved.

Mr. Morrison then moved to strike from the Weaver substitute the provision that the lands of the State of Washington be acquired by donation, thereby allowing acquisition only by exchange. Mr. Weaver stated that he would not vote on the amendment. By voice vote, the amendment was approved.

Mr. Morrison then offered another amendment to the Weaver substitute. It would add a provision allowing Skamania County, Washington, additional flexibility in using funds made available to it from revenues from the Gifford Pinchot National Forest. After discussion of the proposal; the amendment was approved by voice vote.

Counsel raised a question as to language appearing in the Morrison and Weaver substitutes relating to appropriations and compliance with the Budget Act that may not be necessary but that could frustrate the purposes of the bill. With the understanding that the full Committee would pass upon any language counsel may develop to resolve this matter, counsel was authorized to formulate appropriate provisions.

Mr. Morrison asked unanimous consent that the Skamania County amendment referred to above also be made to the Morrison substitute. There was no objection.

By a rollcall vote of 9 yeas to 6 nays, the Subcommittee approved the substitute offered by Mr. Weaver, as amended.

Mr. Morrison then moved that H.R. 5773, as amended by the Subcommittee, be reported favorably to the full Committee with a special request that, because of the nature of this matter, it be considered as expeditiously as possible. The Subcommittee approved the motion by voice vote.

C. FULL COMMITTEE MARKUP

On June 23, 1982, the Committee on Agriculture held a business meeting called to order by Chairman de la Garza for the purpose of considering the Mount St. Helens National Volcanic Area legislation (H.R. 5773, as ordered reported by the Subcommittee on Forests, Family Farms, and Energy). Mr. Weaver asked unanimous consent that H.R. 6530, with the text reported by the Subcommittee as an amendment in the nature of a substitute, be used as the markup vehicle. There was no objection.

Mr. Weaver, Chairman of the Subcommittee on Forests, Family Farms, and Energy, explained the Mount St. Helens Volcanic Area bill as reported by the Subcommittee.

Mr. Weaver offered an amendment to incorporate the actual acreages and descriptions of land, and in some cases other interests, to be exchanged by the United States and Weyerhaeuser Company and by the United States and Burlington Northern Incorporated. The amendment was agreed to by voice vote.

Mr. Weaver offered another amendment which would permit the acquisition of certain mining claims by the United States only with the consent of the owner. Upon inquiry as to the effect this amendment would have on the power of the Federal Government to exer-

cise its right of eminent domain, Mr. Weaver stated that this would be precluded by the amendment. The amendment was agreed to by voice vote.

Mr. Weaver then offered a third amendment which allowed the power of eminent domain to be used for exchanges with the Weyerhaeuser Company and Burlington Northern Incorporated only if voluntary agreements for exchanges described in the bill could not be completed and provided that the United States was not to assume any prior contractual obligations of those companies. Mr. Weaver explained that this provision protected the Federal Government from having to indemnify third persons who are parties to private contracts with the two landowners with whom the described exchanges are to be made. The amendment was agreed to by voice vote.

Mr. Morrison then offered an amendment that would allow the use, within the volcanic area, of motorized vehicles for emergency medical and rescue services. Mr. Weaver supported the amendment, which was agreed to by voice vote.

Mr. Morrison offered a second amendment to allow the use of existing roads in the volcanic area for the purpose of commercial forestry activities carried out on lands adjacent to the volcanic area. Mr. Foley offered two perfecting amendments to the Morrison amendment. One would permit use of such roads, under the carefully limited conditions specified in the bill, for commercial forestry activities carried out on non-Federal lands within the volcanic area. The other would generally prohibit commercial timber harvest or water resource development on Federal lands within the volcanic area. Mr. Foley explained that the amendments are necessary so that private parties may continue to exercise the ordinary attributes of ownership of land so long as lands within the volcanic area remain in private hands. The status quo would, therefore, continue until the United States acquires such lands under the provisions of the bill. Mr. Morrison endorsed the perfecting amendments and they were agreed to without objection. The amendment, as amended, was agreed to by voice vote.

Mr. Morrison offered a third amendment which would give the Secretary authority to allow commercial timber salvage operations within the volcanic area where it is necessary in order to reduce the potential for fire. Mr. Foley asserted that the amendment granted the Secretary unduly broad powers to authorize salvage sales, since a salvage sale which reduced forests could also be construed as reducing the threat of fire. Mr. Weaver noted that the bill provides the Secretary authority to control fire and insects. There was discussion of report language which would recognize the Secretary's authority to act in truly urgent or emergency situations. Mr. Foley suggested that the Forest Service might be expected to report such emergency actions to the committees of jurisdiction in both the House and Senate. Mr. Morrison then withdrew his amendment, but maintained that there should be some authority for clearance of fire trails and removal of some timber in truly dangerous situations.

Mr. Dorgan offered an amendment which would apply to lands to be received by Burlington Northern Incorporated through exchange, the same terms and conditions under the Act of July 2,

1864, which applied to lands to be given up by that company in the exchange. He stated that there is a legal question as to the extent of obligations attached to railroad land grants and his amendment simply maintains the existing state of affairs. Mr. Dorgan asked unanimous consent to perfect his amendment by reference to the statute cited "as amended." There was no objection. The amendment, as perfected, was approved by voice vote.

Mr. Weaver moved that H.R. 6530, as amended, be reported to the House with the recommendation that it do pass. The motion was agreed to by voice vote in the presence of a quorum.

Mr. Foley asked unanimous consent that staff be given the authority to make technical and syntactical changes in the text of the bill, as reported, and to adjust boundaries and other statistical data supplied to the Committee by the Forest Service to ensure accuracy of descriptions in the bill reported to the House. There was no objection.

Administration Position

The following letters (1) from the Acting Secretary dated June 22, 1982, to the Honorable E (Kika) de la Garza, Chairman of the Committee on Agriculture, and (2) from the Assistant Secretary for Natural Resources and Environment dated June 7 and July 9, 1982, to the Honorable James Weaver, Chairman of the Subcommittee on Forests, Family Farms, and Energy, stated the position of the Department of Agriculture on legislation to establish the Mount St. Helens National Volcanic Area.

Department of Agriculture,
Office of the Secretary,
Washington, D.C., June 22, 1982.

Hon. E (Kika) de la Garza,
Chairman, Committee on Agriculture
House of Representatives
Washington, D.C.

Dear Mr. Chairman: We understand that the House Subcommittee on Forests, Family Farms, and Energy has reported to the full Committee legislation that would designate a 115,000-acre Mount St. Helens volcanic area and would direct acquisition of all State and private lands within the volcanic area by exchange. We enclose updated acreage and resource information for each of the major additions included in the House Subcommittee proposal.

The Forest Service in October 1981 administratively designated 84,700 acres of the Mount St. Helens area as a National Volcanic Area. In that administrative decision, every possible effort was made to carefully balance important public interests including:

- preserving most of the area significantly affected by the volcano's blast of May 18, 1980,
- providing for unique geological and ecological research opportunities,
- providing for visitor access, public safety, and services for a major public attraction,
- keeping down the cost of acquiring intermingled private land which is not an essential part of the area,

- limiting reductions in future timber production and harvest levels which would result from the special designation,
- permitting salvage of most of timber killed by the blast, while leaving a significant amount in the area for research and interpretative purposes,
- reducing fire, insect, and disease hazards by salvaging dead timber adjacent to green timber stands, and
- providing for potential mineral development within the Green River drainage.

The administration has supported statutory designation of the 84,700-acre area as a National Volcanic Area. We, however, are opposed to enlargement of the area. The added area would not contribute significantly to accomplishing the purposes of the National Volcanic Area but would have high costs in other resource values foregone.

The enclosure discusses briefly the various considerations which have led us to conclude that the Administration cannot support the Subcommittee-passed bill. We hope that you will reach the same conclusions we have after you have considered the resource information and amend the bill to reduce the acreage included in the designation.

We would appreciate the opportunity to discuss any questions you may have regarding our views on this important matter.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of the subcommittee bill in its present form would not be in accord with the President's program.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

Enclosure.

DATA FOR ADMINISTRATION AND HOUSE SUBCOMMITTEE PROPOSALS FOR MOUNT ST. HELENS

SIZE OF AREA

House Subcommittee proposal—115,000 acres.
Administration position—84,700 acres.
Total acres added—30,300.

PRIVATE LANDS TO BE ACQUIRED BY EXCHANGE

House Subcommittee proposal—30,100 acres.
Administration position—15,000 acres.
Total acres added—15,100.

An estimated 4,000 to 6,000 acres of National Forest System lands would be needed to acquire the private lands by exchange and would result in National Forest timber sale receipts being foregone of approximately $500,000 annually.

TIMBER RESOURCE INVENTORY

The following data is an estimate of green and salvage timber:

House subcommittee proposal—1,300 to 1,500 milli
feet [1]—$220 to $230 million.

Administration position—600 to 700 million board feet
$120 million.

Within the 30,300 additional acres in the Subcommitte
there is an estimated 700–800 million board feet of tim
cludes 200 to 300 million board feet (valued at $28 m
planned salvage. In the remaining inventory of 400 to 5
board feet some 10 to 20 percent may not be harvested
other resource considerations such as roadless areas o
habitat areas. The attached data sheet outlines resource
each specific area.

POTENTIAL MINERAL RESOURCES

There are approximately 100 mining claims on 1,500
acres in the Polar Star/Green River area with approxi
claims that are in the process of being patented. The pri
eral is copper which may have a potential value of $50
The Subcommittee proposal makes the mineral withdraw
to valid existing rights. We do not know what part of th
resource would be subject to these rights.

INCREASED WILDFIRE HAZARD

More than 80 percent of the blast area is characterized
volumes of downed trees and other vegetative debris, amo
300 tons per acre in many locations. These fuels create
tial for a major conflagration. One objective of timber sa
side the volcanic area is to reduce the hazard of wildfir
prevent the spread to adjacent undamaged National Fores
vate forest lands. Timely timber salvage in key areas wil
tially reduce this high potential hazard. The House Subc
proposal would reduce planned timber salvage by 29 perce

AREAS NOT JUSTIFIABLY PART OF THE VOLCANIC ARE

The House Subcommittee proposal adds several area
approximately 10,000 acres (Goat Creek, Smith Creek, an
that do not contain significant volcanic features. We beli
areas are not appropriate additions to the National Volca

June 2

[1] 600 to 700 million board feet would not be subject to harvest.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 7, 1982.

Hon. JAMES WEAVER,
Chairman, Subcommittee on Forests, Family Farms, and Energy, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the House subcommittees with jurisdiction over the pending legislation dealing with proposals to establish the Mount St. Helens volcanic area are currently considering legislative alternatives.

As you know, the Forest Service in October 1981 administratively designated 84,700 acres of the Mount St. Helens area as a National Volcanic Area. This was done after careful consideration of different proposals advocating that the specially designated area be anywhere from 45,000 acres to 216,000 acres. The final administrative decision balanced the interests (1) in preserving the area affected by the volcano's blast of May 18, 1980, (2) in permitting salvage of timber killed by the blast, (3) in holding down the cost of acquiring intermingled private land as part of the area to be designated, (4) in limiting reductions in future timber production and harvest levels which would result from the special designation, (5) in providing the potential mineral development within the Green River drainage, (6) in providing for research needs, and (7) in assuring public safety, including the reduction of huge fuel accumulations presently existing which could permit future forest fires to get out of control.

The administration has supported statutory designation of the 84,700-acre area as a National Volcanic Area. The Administration, however, is opposed to enlargement of the area because it would upset the balancing of interests which was carefully achieved after much deliberation by the original administrative designation.

I enclose a paper which discusses briefly, but in some detail, the various considerations which have led us to conclude that the Administration cannot support any legislation which would result in special designation of more than the 84,700-acre area already administratively designated. I hope that you will reach the same conclusions we have after you have considered the points discussed in the enclosed paper.

Sincerely yours,

JOHN B. CROWELL, JR.,
Assistant Secretary for Natural Resources and Environment.

Enclosure.

ADMINISTRATION CONCERNS REGARDING PROPOSED LEGISLATION FOR MOUNT ST. HELENS

BACKGROUND

The administration supports legislation designating an 84,700-acre Mount St. Helens National Volcanic Area. The 84,700-acre National Volcanic Area includes 24,510 acres of State and private lands. The Administration proposed acquisition of approximately

15,000 acres of State and private lands through exchange or donation.

A proposal being developed in the House would substantially increase the size of the volcanic area and direct acquisition of all State and private lands within the area. This proposal includes two to three times more productive forest lands, timber volumes, and values than the Administration's proposal. It would result in significantly increased costs because of more land acquisition, foregone timber salvage opportunities, and reduced future timber harvest levels on the Gifford Pinchot National Forest. The reduced salvage opportunities would greatly increase the potential for a major wildfire conflagration which would be uncontrollable during periods of very high and extreme fire hazard. These and other concerns are described in greater detail below.

INCREASED WILDFIRE HAZARD

More than 80 percent of the blast area is characterized by heavy volumes of downed trees and other vegetative debris, amounting to 300 tons per acre in many locations. These fuels create the potential for a major conflagration. One objective of timber salvage outside the volcanic area is to reduce the hazard of wildfire so as to prevent the spread to adjacent undamaged National Forest and private forest lands. Timely timber salvage in key areas will substantially reduce this high potential hazard. The House proposal would reduce planned timber salvage by 29 percent.

ACQUISITION OF PRIVATE LANDS

The administration's proposal would provide for acquiring 15,000 of 24,500 acres of private lands by exchange or donation. Pending proposals would mandate acquisition of all State and private lands in the volcanic area. Estimated acreages and values are as follows:

	Acres	Value
Administration	15,000 (24,500)	$5 million ($27 million).
House	30,100	$37 million.

Any land exchange will reduce the National Forest capability to maintain harvest levels. Timber sale receipts foregone could reach $500,000 annually. In addition, there will be a corresponding reduction in payments to the counties.

IMPACTS ON TIMBER RESOURCES

Productive forest lands affected

Administration—15,200 acres capable of growing 7.2 million board feet/year.

House—47,400 acres capable of growing 22.5 million board feet/year.

Timber volumes and values in national volcanic area not subject to salvage logging or to future harvesting

	Million board feet	Value
Administration	633	$115,000,000
House would add	1,101	176,000,000

Planned timber salvage outside national volcanic area

Administration—888 million board feet.

House—632 million board feet—256 million board feet reduction (29 percent reduction by inclusion within the area).

PENDING COPPER CLAIMS

At the present time, there are approximately 100 mining claims on 1,500 to 2,000 acres in the Polar Star/Green River area with approximately 13 that are in the process of being patented. The primary mineral is copper which is estimated to be valued at $500 million.

AREAS NOT JUSTIFIABLY PART OF THE VOLCANIC AREA

The House proposal adds several areas totaling approximately 10,000 acres (Goat Creek, Smith Creek, and Kipuka) that do not contain significant volcanic features. These areas are not appropritate additions to the National Volcanic Area.

June 4, 1982.

ESTIMATED COMPARATIVE VALUES, MOUNT ST. HELENS LEGISLATION

Total	Administration	House
Total acres	84,700	115,000.
Private land	15,000 (24,500)	30,100.
Productive forest land	15,200	47,400.
Timber volume	633 million board feet	1,734 million board feet.
Timber value	$115,000,000	$291,000,000.
Land value	$25,000,000	$34,400,000.
Total value	$140,000,000	$325,400,000.

June 4, 1982.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 9, 1982.

Hon. JIM WEAVER,
Chairman, Subcommittee on Forests, Family Farms, and Energy, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We appreciated receiving your letter of June 24 requesting information on the proposed Forest Service land exchanges at Mount St. Helens.

WEYERHAEUSER EXCHANGE (TIMBER PRODUCTION)

Highest and best use	Weyerhaeuser	Federal
Land:		
Surface acres	16,895	4,756
Mineral acres	15,185	15,168
Appraised value	$3,300,000	$800,000
Timber:		
MBF	149,400	122,320
Value	$5,300,000	$7,800,000
Total market value (as of May 31, 1982)	$8,600,000	$8,600,000

It is anticipated that some changes will occur in acreage, timber volume, and values due to decisions by Congress on the area to be included in the National Volcanic Area (NVA) and subsequent negotiations with the company.

The entire 149,400 MBF of Weyerhaeuser timber is within the volcanic area and was downed by the May 18, 1980, eruption.

Independent estimates of timber grade and volume by Forest Service and Weyerhaeuser foresters agree within three percent. Forest Service estimates show the following breakdown:

Weyerhaeuser to United States

	Percent
Species:	
Douglas-fir	37.7
Western hemlock	42.6
Cedar	5.5
Cull	14.2
Total	100.0
Grade:	
Peelable	45.0
Sawlogs	55.0
Total	100.0

United States to Weyerhaeuser

	Percent
Species:	
Douglas-fir	60.5
Western hemlock	33.0
Cedar	3.3
Cull	3.2
Total	100.0
Grade:	
Peelable	37.8
Sawlogs	62.2
Total	100.0

The Weyerhaeuser land offered in the exchange consists of 3,000 acres of down commercial timber, 7,695 acres of previously cutover land, 5,234 acres of mudflow, and 966 acres of water. The National Forest lands generally were not affected by the volcano and have standing green timber and 15-year old conifer reproduction.

Minerals on both sides of the exchange have only a nominal, speculative value. Mineral acres and values are considered equal.

BURLINGTON NORTHERN (TIMBER PRODUCTION)

Highest and best use	Burlington Northern	Federal
Land:		
Surface acres	16,354	2,630
Mineral acres	(1)	(1)
Appraised value	$4,600,000	$900,000
Timber:		
MBF	24,900	70,200
Value	$2,700,000	$6,400,000
Total market value (as of May 31, 1982)	$7,300,000	$7,300,000

[1] Not yet determined.

Mineral acres are currently being negotiated; final negotiations may result in some changes in land acres, timber volumes, and values.

Approximateiy 9,600 MBF (39 percent) of the Burlington Northern timber is in the Volcanic Area. Most of the Burlington Northern lands had been harvested prior to the May 18, 1980, eruption, and the commercial timber volume (inside and out) is on 1,058 acres. The property also contains 3,665 acres of mudflow and rocky areas, 5,250 acres of nonstocked land and 6,381 acres of reproduction (seedlings to pole size). Only a small area of timber was blown down by the eruption.

The National Forest land consists of 1,058 acres of standing, green timber, 1,514 acres of plantations (2–30 years) and 58 acres of mudflow and rock.

The timber on both sides of this exchange was cruised by Forest Service as follows:

Burlington Northern to United States

	Percent
Species:	
Douglas-fir	39
Western hemlock and other	46
Cull	15
Total	100
Grade:	
Peelable	38.5
Sawlogs	61.5
Total	100.0

United States to Burlington Northern

	Percent
Species:	
Douglas-fir	59
Western hemlock and other	24
Cedar	8
Cull	9
Total	100.0
Grade:	
Peelable	40
Sawlogs	60
Total	100.0

If you have further questions, please contact us.

Sincerely,

JOHN B. CROWELL, Jr.,
Assistant Secretary for Natural Resources and Environment.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 6530 will have no inflationary impact on the national economy.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The estimate and comparison prepared by the Director of the Congressional Budget Office under clause 2(l)(3)(B) and 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives and sections 308(a) and 403 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 9, 1982.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6530, a bill to establish the Mount St. Helens National Volcanic Area, and for other purposes, as ordered reported by the House Committee on Agriculture, June 23, 1982.

In October 1981, the Chief of the Forest Service administratively designated the Mount St. Helens National Volcanic Area on 84,700 acres of land. H.R. 6530 gives legislative approval to the designation and expands the size of the volcanic area to 115,000 acres. The bill also authorizes the appropriation of such sums as may be necessary to carry out the provisions of the bill, effective in fiscal year 1984, and directs the Secretary of Agriculture to carry out a number of activities related to the volcanic area designation.

The bill directs the Secretary of Agriculture to prepare a management plan for the volcanic area within three years of enactment of this act. It is expected that the development of this plan will cost the federal government approximately $300,000 in each of the fiscal years 1984 and 1985. The bill also directs the Secretary of Agriculture to acquire nonfederal lands within the boundaries of the volcanic area by purchase or exchange and specifically outlines the details of anticipated land exchanges. It is expected that only very small landholdings will be purchased by the federal government at a cost of approximately $300,000 in fiscal year 1984. In addition, the bill amends the boundaries of the Gifford Pinchot National Forest to include all lands included in the volcanic area, and establishes the Mount St. Helens Scientific Advisory Commission to make recommendations regarding protection of the natural and scientific values of the volcanic area. It is expected that the expenses

incurred by this commission will be approximately $10,000 per year.

Based on information from the National Forest Service, it is estimated that capital investments and operation and maintenance costs associated with the national volcanic area designation will total approximately $66 million by 1990. Most of these costs could be incurred without this legislation, however, as a result of the administrative designation of the national volcanic area.

In addition to the outlays expected to be incurred by the federal government as a result of enactment of H.R. 6530, receipts of up to $1.5 million per year from the sale of timber may be foregone due to the land exchanges and timber withdrawals specified in the bill.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the committee with reference to the subject matter specifically addressed by H.R. 6530, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the committee within the definition of clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

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ACREAGE AND RESOURCE INFORMATION FOR MAJOR ADDITIONS INCLUDED IN HOUSE SUBCOMMITTEE PROPOSALS FOR MOUNT ST. HELENS NATIONAL VOLCANIC AREA

Area	Management plan	Acres			Standing and salvage timber volume (millions of board feet)			Timber value (millions of dollars)			Private land acquisition cost (thousands of dollars)	Annual program harvest (millions of board feet per year)
		National forest	Private	Total	National forest	Private	Total	National forest	Private	Total		
Miners Creek	General forest	1,175	890	2,065	50	36	86	5.5	4.0	9.4	267	0.6
Goat Creek	General forest, unroaded recreation, prime habitat.	5,880	160	6,040	156	0	156	35.0	0	35.0	48	1.4
Polar Star/Green River	General forest	5,720	400	6,120	313	Unknown	313	31.6	Unknown	31.6	120	.9
Smith Creek (2A)	Do.	1,480	520	2,000	34	0	34	.2	0	.2	156	.2
Smith Creek (2B)	Do.	2,125	1,880	4,005	45	5	50	5.0	.6	5.6	564	.9
Kipuka	General forest, prime habitat	6,630	20	6,650	106	0	106	24.0	0	24.0	6	2.3
Totals [1]		23,010	3,870	26,880	704	41	745	101.3	4.6	105.8	1,161	6.3

[1] Does not include other minor additions such as Goat Marsh, Castle Creek, or South Fork of Toutle.

USDA—Forest Service—June 22, 1982.